

ORDER SHEET

THE PUNJAB INFORMATION COMMISSION

64 Nursery Lane, Near China Chowk, Lahore, Punjab.

Website: - <https://rti.punjab.gov.pk>

042-99205794

Appeal No: 2-69-1-2022

Amjad Ali

Vs

DPO Chiniot

Subject: Appeal (Complaint) Regarding Non-Provision of Public Information under the Punjab Transparency and Right to Information Act 2013

Order

09.02.2022 Rai M. Usman Sultan Bhatti Advocate is present on behalf of Amjad Ali/ Complainant who sought CCTV Footages of 4 days i.e. from 13-12-2021 to 16.12.2021 of PS Muhammad-wal, Tehsil Lalian, District Chiniot. DPO Chinniot in response to said RTI Request has claimed exemptions on two counts vide his letter dated 07.02.2022. He referred to legitimate privacy interest of 3rd person vide sub clause b and the ability of government vide sub clause (g) of Section 13 (1) of RTI Act 2013.

2. The appearing counsel states that Amjad Ali/ Complainant was kept under illegal custody at police station during the above mentioned period and was subjected to physical torture, therefore, CCTV footages of four days are required to prove the allegation before court of law.

3. As regards the claim of exemption under third party legitimate interest, such information must be personal to the individual and that such exemption cannot be claimed in respect of an information

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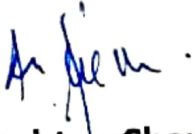
created during performance of public function. Therefore, this claim is repelled. Secondly the exemption provided under sub clause (g) relates to the ability of government to manage the economy and not to the administration of criminal justice, therefore, being irrelevant such exemption cannot be validly invoked.

4. The very object of salutary arrangement of CCTV footages at Police Stations of Punjab was to eliminate notorious "thana culture", and to prevent similar complaints of 3rd degree method. If CCTV footages can not be utilized even in case where flagrant violation of human rights is agitated, then there is no logic to continue with the arrangement of CCTV footage at police stations. Under Section 2 (f) of the Act any information prepared in the shape of electronic process and also held by a public body is public information whereas u/s 2(j) (i) it is a fundamental law of any citizen of access to information available in electronic form with a public body. Consequently CCTV footages of a police station are public information very much amenable under RTI Law.


5. In view of above DPO Chinniot is directed to ensure the provision of soft copy of CCTV footages of requisite period at police station in terms of Section 2(f) (j) of RTI Act 2013. We also recommend IG Punjab to circulate this order throughout the police stations of Punjab to make best use of RTI in the larger public interest. Copy of this order be forwarded to all RPOs, CCPOs and IG Punjab for public awareness of the utility of CCTV footages to eliminate "thana culture"

MSM
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and misuse of power. The Complaint stands disposed of with said observations and directions. File be consigned to record room.



Dr. Arif Mushtaq Chaudhary
Information Commissioner



Mahboob Qadir Shah
Chief Information Commissioner